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Date: June 15, 2007

NO. OF PAGES Cover + 4

FROM: John J. Gresens

OUR FILE NO. 8277.87124

COMPANY: United States Patent and Trademark
Office
To: EXAMINER MICHAEL PEFFLEY
FAX: 571/273-8300

OUR REFERENCE:

Your Reference:

TRANSMITTED BY: Tami
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RESPONSE AND INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re Applicant: Hagg
Appln No.: 10/519,276
Filed: December 27, 2004
For: Connecting Device for an Electrosurgical Instrument
Art Unit: 3739
Conf. No. 8906
Examiner: Michael Peffley
Customer No.: 22242

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PAGE 1/5 * RCVD AT 6/15/2007 3:21:16 PM [Eastern Daylight Time] * SVR:USPTO-EFXXRF-1/8 * DNIS:2738300 * CSID:3125777007 * DURATION (mm-ss):01-38

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Filed:	December 27, 2004)	
Applicants:	Hagg)	VIA FACSIMILIE
Title:	Connecting Device for an Electrosurgical Instrument)	
Art Unit:	3739)	
Examiner:	Michael Peffley)	
Attorney Docket:	8277.87124)	
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RESPONSE and INTERVIEW SUMMARY

Sir:

Applicants wish to thank the Examiner for the courtesy extended in interviewing this matter on June 14, 2007. During the interview, Applicant's representative, John Gresens and Examiner Peffley discussed the application in general, including the pending Final Office Action.

Applicants reiterated their frustration with regard to the two Actions received from the Office.

Specifically, Applicants noted that there have been two Actions essentially reiterating the same rejection under 35 U.S.C. §102(b) based upon the McGreevy et al. patent, U.S. Pat. No. 4,781,175. The Actions, dated June 30, 2006 and January 3,

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2007 each contain a paragraph discussing the rejection. In fact, the same paragraph is used on page 2 of each Action.

Applicants respectfully assert that the Actions are faulty for failing to show how each and every element of the claimed invention is met by McGreevy et al. as cited prior art. Specifically, the Examiner notes that McGreevy provides a supply line (228), a power supply line (222), and a housing (44).

However, literally, the back two-thirds of the paragraph recites elements allegedly found in Applicant's claims which are not attributed to any specific elements (in figures 4 and 10) of the McGreevy et al. patent.

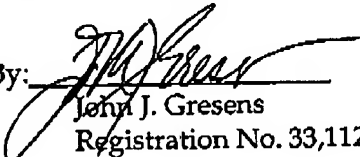
This makes the rejection impossible to analyze. The U.S. Patent Office has not carried its burden in establishing a *prima facie* showing of how the claimed invention is anticipated by the prior art. The claimed invention is simply not anticipated.

Further, after review of the papers provided by the Office in each instance, Applicant's representative, John Gresens, placed numerous phone calls to the former Examiner requesting an interview. Not one of these phone calls was returned. Only after Mr. Gresens called the Group Director's Office was a phone call returned from the supervising Examiner directing Mr. Gresens to Mr. Peffley.

Accordingly, Applicant respectfully requests withdrawal of the Final Rejection under MPEP §706.07(e). The basis for Applicant's request is that in the earlier Actions, the Examiner failed to show how the prior art disclosed each and every element of the claimed invention, and thereby failed to make out a *prima facie* case of unpatentability against the claims pending in this application. Favorable consideration of this request is earnestly solicited. A Petition for a Three Month Extension of Time is submitted herewith.

Respectfully submitted,

By:


John J. Gresens
Registration No. 33,112

Date:

June 15, 2007

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